

**JUDICIAL ORDER**

**IT IS ORDERED THAT**, due to the existing COVID-19 pandemic, a need exists to implement specific policies and procedures in order to conduct remote and in person court hearings and trials. This must be done in order to protect the health and safety of the staff and customers of the court. The Longview Municipal Court shall implement the following protective measures:

**General Guidelines**

All participants attending in person court sessions shall follow the CDC minimum standard health protocols in affect at the time the hearing is held, if those standards require greater restrictions than those listed below.

1. The presiding judge and both associate judges shall comply with the Emergency Orders issued by the Supreme Court of Texas and the Court of Criminal Appeals. This includes conducting in-person proceedings according to the guidance issued by the Office of Court Administration. This includes but is not limited to:
  - a. Social distancing
  - b. Wearing masks/cloth face coverings
  - c. Sanitizing surfaces
  - d. Maximum group size
  - e. Other restrictions and precautions
2. The presiding judge will continue to hold all dockets except building standards hearings, bench trials and jury trials remotely.
3. The presiding judge will maintain regular communication with the local health authority or his designated representative and with the mayor or his designated representative and make adjustments to this plan as conditions change in the city, county and state.
4. The Longview Municipal Court shall begin holding in person court hearings and trials on June 1, 2021, and building standards hearings on June 22, 2021.

**Judge and Court Staff Health**

1. The court administrator shall be responsible to see that:
  - a. an employee's temperature is taken upon the employee reporting for work if they are not feeling well or have any symptoms of any illness, and send home any employee with a temperature of 99.1 that is escalating or registers 99.6 at the time their temperature is taken
  - b. ensure that all staff members wear masks or other face coverings when in the presence of other staff members or customers and are separated by less than 6 feet in distance
  - c. ensure that all staff members practice social distancing when it is necessary to speak with each other or the public in person

- d. encourage the use of video conferencing, email, instant messaging and telephone calls in place of face to face contact with other staff members or city employees
  - e. post signage requesting that customers wear masks or other face coverings when conducting business at the service windows
  - f. post signage recommending compliance with the CDC guidelines for handwashing for both employees and the public
2. The court administrator shall provide face coverings, hand sanitizer and disinfectant for use by the court staff for their personal protection while on duty.
3. Employees of other city departments shall be required to wear face coverings before entrance to the clerk's office or courtroom is permitted.

### **Scheduling**

1. The following is the maximum number of cases scheduled for court hearings. These limits have been established to reduce occupancy in the building lobby and courtroom:
  - a. Bench Trials – 3 defendants per docket
  - b. Jury Trials – not being held at this time
  - c. Building Standards – 6 properties per docket
2. Bench Trials shall be held at 1:00 pm on designated Mondays, 9:00 am and 1:00 pm on designated Wednesdays. As a matter of course Bench Trials shall be held every other week.
3. Building Standards Docket shall be held on the 4<sup>th</sup> Tuesday of each month at 9:00 am. Adjustments to this schedule may be made due to the availability of the Judge or Prosecutor, or closure of the court for the week of Spring Break, Thanksgiving and two weeks at Christmas.

### **Public Health Precautions and the Vulnerable Population**

1. The presiding judge of the Longview Municipal Court shall ensure that information is contained in all hearing notices and in other communications notifying customers of appearance requirements, that they have the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations.
2. A notice containing this information shall be posted on the courts' website and in the lobby of the Police and Courts Building. A copy of this notice is attached as Attachment A.
3. The vulnerable population includes individuals who are:
  - a. Over age 65
  - b. Those with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, and asthma
  - c. Individuals with compromised immune systems, such as those undergoing chemotherapy for cancer, dialysis for kidney disease and other such therapy

4. Vulnerable populations who are scheduled for an in person court appearance may be accommodated by:
  - a. Their case will be set on a docket as the sole case, thereby reducing the number of people present in the lobby and in the courtroom
  - b. Permitted to remain in their vehicle until such time as court is ready to begin, then they will be contacted by telephone to enter the building
  - c. Security staff shall wear gloves and masks when processing the individual through security check point and minimize touching the person or their possessions to the greatest extent possible
  - d. The individual will be offered a mask and gloves if they have not provided their own
  - e. The individual will be permitted to testify from the defense table in order to reduce exposure to additional surfaces
  - f. All evidence will be presented to the witness in a non-contact manner or by providing the individual clean gloves if they should desire to handle any piece of evidence
  - g. Upon leaving the facility the individual will be given the opportunity to exit the courtroom directly outside instead of exiting through the lobby
  - h. The individual will be given instructions regarding how to contact the court by telephone, fax, email, and the court website for any required follow up actions
5. Accommodations shall be made for anyone who requests to participate in a hearing remotely by teleconferencing , videoconferencing, or other means.

### **Social Distancing**

#### **Lobby**

1. The waiting line for service at the front windows is marked with six feet increments to encourage compliance with social distancing.
2. Window clerks shall notify any individual, not from the same household, that is not in compliance with social distancing to move to a marker on the floor.
3. Each restroom in the lobby of the Police and Courts Building has been designated for a maximum capacity of 3 persons in order to maintain appropriate social distancing. Signage has been placed on the exterior and interior of each restroom.
4. The lobby is currently designated for a 50% capacity of 29 individuals in order to maintain social distancing. There are no other common areas open to the public.

#### **Gallery**

1. The maximum number of defendants, witnesses and observers permitted in the courtroom has been designated at 9 in order to maintain social distancing.
2. The maximum number of peace officers seated in the gallery shall be limited to only those required to testify in a case before the court during that docket. This is generally 3 to 5 officers.
3. The seating has been marked to indicate which seats can be occupied. The rule for seating is 2 empty chairs between each person and an empty row between each occupied row.

## **Well**

1. In the courtroom, the counsel tables are arranged to be over six feet apart from each other and the bench. The clerk, judge and witness are co-located at the bench and there is less than 6 feet between each seat. A sneeze guard partition has been erected that separates the judge from the witness on one side and the clerk on the other side. The bailiffs will position themselves at least 6 feet away from any other person during trials.

## **Hygiene**

1. Hand sanitizer dispensers are located at the security check point and just inside the courtroom doors.
2. Tissues have been placed at the security check point, just inside the courtroom doors, at each counsel table, the witness stand, judge's bench and the clerk's desk.
3. The Texas Department of Health Service's "Stop the Spread of Germs" flyer has been posted in each public restroom at the clerk's customer service window and at the security check point.

## **Screening**

1. Those persons called or desiring to enter the courtroom shall be screened by the Bailiff, who will ask:
  - a. Do you feel feverish?
  - b. Do you have a cough?
  - c. Do you have difficulty breathing or shortness of breath?
  - d. Have you had symptoms of COVID-19 within the previous 10 days?
  - e. Have you tested positive for COVID-19 within the previous 10 days?
  - f. Have you had recent known exposure to COVID-19 within the previous 14 days?

Anyone who indicates yes to any of these questions will be refused admittance to the courtroom.

2. When processing through the security check point, the Bailiff shall use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6 F will be refused admittance to the courtroom.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment, including:
  - a. Gloves
  - b. Face mask
  - c. Hand sanitizer

## **Face Coverings**

1. All individuals entering the courtroom will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.


### Cleaning

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1. The cleaning staff will clean the common areas open to the public once per day.
2. The court administrator shall ensure that the courtroom is disinfected between every hearing and preceding each day that the courtroom is in use.
3. The bailiff shall disinfect the witness stand and defendant's table, and change out the disposable mic covers after every defendant or witness testifies.
4. The court administrator shall ensure that cleaning products used have been shown to be effective with this coronavirus.
5. The cleaning staff have been provided with face masks and gloves to protect them during the execution of their duties.

These minimum standard health protocols shall be active and in full force until such time as this order is recalled or superseded.

Signed this the 25<sup>th</sup> day of March 2021.

  
Larry Merriman, Presiding Judge  
Longview Municipal Court of Record  
Gregg County, Texas